IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 27461 of 1998

Between:

M/s. Satyanarayana Rice Mill, Rep. by its Lease holder J.V.Rama Rao,
T.B.Palem Village, Kodad Mandal, Nalgonda District,
R/o. Pedda Subramanyam, R/o. Kodad.

..... PETITIONER

AND

1 The Superintending Engineer, Operation Circle,
APSEB, Nalgonda, Nalgonda District.
2 The Assistant Divisional Engineer/DPS-I,
Nalgonda, Nalgonda District.
3 The Assistant Divisional Engineer, (Operation),
APSEB, Kodad, Nalgonda District.
4 The Assistant Accounts Officer, E.R.O.,
APSEB, Kodad, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the proceedings No.SE/OP/NLG/Coml /F.No.9-467/D.No.2441/98, dt. 29-8-1998, on the file of the 1st Respondent, as illegal, one without jurisdiction in violation of provisions of Sec.26 of Indian Electricity Act and arbitrary.

Counsel for the Petitioner: MR.A.BHASKARA CHARY

Counsel for the Respondents:MR.N.SUBBA REDDY, SENIOR COUNSEL FOR SMT.M.VINOBHA DEVI

The Court made the following :

O R D E R :

Heard the learned counsel for the petitioner and Sri N.Subba Reddy, learned senior counsel for Smt. M.Vinobha Devi, learned standing counsel appearing on behalf of the respondents.

The petitioner herein, which is a rice mill, seeks to assail the impugned proceedings dated 29.08.1998 whereunder he was sought to be assessed for back billing. It is seen that in an inspection conducted by the respondents-authorities on 08.01.1998, it was found that there is a defect in the meter and therefore, after giving show-cause notice, which was received by the petitioner on 26.05.1998 to which no explanation was filed by him, he was made liable for the back billing and the amount was assessed at Rs. 28,356/-. The said orders were confirmed in appeal by the appellate authority.

Considering the submissions made and on perusal of the material, it is seen that having regard to the fact that the inspection was conducted as long back as on 08.01.1998, the nature of the allegations and totality of circumstances, and especially the fact that the petitioner has already deposited 50% of the outstanding amount in terms of the interim orders granted by this court on 25.09.1998 in W.P.M.P. No.27461 of 1998, it would suffice in the interest of justice and as fairly agreed to by the petitioner, to direct him to pay a sum of Rs.5,000/- in addition to the payments already made.

The Writ Petition is, accordingly, partly allowed directing the petitioner to pay a sum of Rs. 5,000/- in addition to the payments already made. No costs.

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(B.Prakash Rao, J.)

20.01.2005

DRK

Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on

Thursday, the twentieth day of January Two thousand and five.

….. Registrar

Copy to:

1 The Superintending Engineer, Operation Circle,
APSEB, Nalgonda, Nalgonda District.
2 The Assistant Divisional Engineer/DPS-I,
Nalgonda, Nalgonda District.
3 The Assistant Divisional Engineer, (Operation),
APSEB, Kodad, Nalgonda District.
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5 Two CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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20.01.2005